

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-634

AUGUST 25, 1998

PUBLIC UTILITIES COMMISSION  
Investigation into Area Code  
Relief

NOTICE OF INVESTIGATION

WELCH, Chairman; NUGENT Commissioner

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**I. SUMMARY**

In this Order, we initiate an investigation into area code relief activities. Our investigation will follow two parallel tracks. First, Track One will establish a number conservation plan which we expect will delay the need for a new area code in Maine. The Commission will convene an industry task force to examine various conservation measures and assist the Commission in formulating its number conservation plan. Track Two will address the merits of the Area Code Relief Plan submitted by North American Numbering Plan Administration (NANPA) on behalf of the Maine telecommunications industry. Specifically, in Track Two the Commission will determine whether the new area code (when and if one is needed) will be implemented through a geographic split or an overlay.

**II. BACKGROUND**

On May 21, 1998, representatives from Lockheed Martin, the new North American Numbering Plan Administrator (NANPA), met with the Commissioners and staff regarding area code relief planning. NANPA reported that it now believes that Maine's 207 area code will exhaust by the third quarter of 2000. Because the process for implementing a new area code takes approximately two years,<sup>1</sup> NANPA determined that it must initiate the area code relief process immediately to avoid code exhaust in the year 2000. Accordingly, on June 25, 1998, NANPA convened an industry meeting to discuss various relief plans and arrive at a recommendation for the Commission. All entities which had been assigned a central office code in the 207 area code were invited to the meeting and to participate in deciding upon an industry

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<sup>1</sup>The decision is made in the first 6-8 months, an order issued, and then a 6-12 month period of permissive dialing with a message reminding callers of the upcoming changes is followed by a 3-6 month period with a message telling callers they are required to use the new area code.

recommendation to the Commission regarding how to implement a new area code.

On August 7, 1998, NANPA filed the industry agreed-upon Area Code Relief Plan (Industry Plan) and requested that the Commission approve the plan by December 1, 1998.<sup>2</sup> The Industry Plan recommends that the new area code be implemented through an overlay.

### III. COMMISSION JURISDICTION

Pursuant to Section 251(e) of the Telecommunications Act of 1996, Congress conferred exclusive jurisdiction over the United States' portion of the North American Numbering Plan (NANP) to the Federal Communications Commission (FCC). Congress also required the FCC to designate an impartial administrator of telecommunications numbering to assist it in carrying out its duties. 47 U.S.C. § 251(e). The FCC designated Lockheed Martin as the NANP administrator (NANPA). NANPA is an independent, impartial non-government entity which, among other duties, assigns both area codes<sup>3</sup> and central office codes.<sup>4</sup> 47 C.F.R. § 52.13.

In its Second Report and Order, Implementation of the Local Competition Provisions of the Telecommunication Act of 1996, No. 96-98 (August 8, 1996), the FCC stated that it would retain its authority to set policy with respect to all facets of numbering administration in the United States. Second Report and Order at ¶ 268. The FCC went on, however, to authorize states to resolve matters involving the introduction of new area codes within their states. Second Report and Order at ¶ 269; 47 C.F.R. § 52.19. States' authority over area code relief includes issues such as: determining whether the relief will take the form of a geographic split, an overlay, or boundary realignment; establishing new area code boundaries; and establishing necessary dates for the implementation of the area code relief plan. Id.

While NANPA administers and allocates all central office codes, state commissions across the country have become involved in efforts to conserve the number of central office codes allocated. See, e.g., Area code relief activities in Arizona,

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<sup>2</sup>The Industry Plan has been docketed in the record of this Investigation.

<sup>3</sup>Area codes are the a first three digits of a 10-digit phone number.

<sup>4</sup>Central office codes (CO codes) are the second three digits in a 10-digit phone number.

California, Connecticut, Illinois, Missouri, New York, North Carolina, Ohio, and Virginia. We, like other states, find that the duties and obligations conferred upon us by state and federal statutes in matters of interconnection, competition and numbering conservation measures provide sufficient grounds for the activities which we will undertake in this investigation.

Thus, while in this docket we will take investigate both number conservation and area code implementation, we are mindful that we share jurisdiction over many of these matters with the FCC and NANPA. We will try to cooperate with both entities to ensure that Maine's numbering resources are not needlessly squandered and to ensure a smooth transition to a new area code, if and when one is needed.

#### **IV. TRACK ONE -- CONSERVATION PLAN**

As local competition develops in the Maine telecommunications marketplace, NANPA expects an increase in central office code requests. New competitive local exchange carriers (CLECs), wireless carriers, and paging companies will request new numbers to serve their customers. Indeed, it is the push toward local competition that has caused NANPA to adjust its area code exhaust forecast for Maine from 2012 (in 1996) to the third quarter of 2000 (in 1998), despite the fact that there are currently at least 7 million unused numbers in the 207 area code.

Part of the reason for the rapid acceleration of the forecast is a technological limitation requiring that central office codes be assigned in blocks of 10,000 numbers. Thus, even if a carrier only needs 500 numbers, it must request a block of 10,000. Further complicating matters, there are approximately 256 rate centers in Maine. (Rate center lines are drawn to indicate where a local call becomes a toll call.) Numbers are allocated to carriers on a rate center basis; a carrier wishing to serve a single rate center must request a block of 10,000 numbers. Thus, if a carrier wishes to serve every rate center in Maine, it must request over 2,560,000 numbers. Given the fact that there are only 750,000 active wireline and wireless lines in Maine at this time, such a request would clearly be a waste of numbering resources. It would be impossible for a carrier to utilize even 27% of its allocated numbers even if it won over every customer in the state.

There are measures, however, which the Commission and the industry can take to slow the allocation of numbers without chilling the advent of local competition. We believe it is imperative that such measures be implemented as soon as possible if there is to be any hope of forestalling the implementation of a new area code in the near future. To ensure that conservation

measures begin as soon as possible, a **Technical Conference** will be held at 9:00 a.m., on **October 1, 1998**, in the Commission's Hearing Room. Interested parties to this proceeding should attend and be prepared to discuss in detail the following conservation methods:

- (1) Creation of an Industry Task Force to develop an operational protocol for wireline and wireless carriers governing future treatment of all unused 1,000-line number blocks and to explore number conservation methods such as number pooling and number portability;
- (2) Classifying all unopened 1,000-line blocks as "reserve" and requiring notification to the Commission that currently available number blocks have reached a target utilization rate (as determined by the Industry Task Force) before any unopened 1,000-line reserve block can be made "active";
- (3) Requiring all requests to change the status of a reserve block to an active block be for a block contiguous to an active block;
- (4) Requiring all registered holders of a central office code to report quarterly to the Commission on the utilization rate of its code(s) by 1,000-line block. The report would include the status of a 1,000-line block, change in status since last reporting period, and the "fill level" of each 1,000-line block; and
- (5) Requiring a code holder to file a Confirmation of Code Activation with NANPA within 90 days after the code is activated. Codes not activated in a timely manner would be subject to reclamation by NANPA.

It is our hope that the parties will be able to agree upon the implementation of these methods as well as suggest any other methods which would assist in our conservation efforts. Further, we also request that all incumbent local exchange carriers (ILECs) be prepared to discuss the status of their capabilities to provide number portability and number pooling. (It would be helpful if the ILECs had technical persons available to assist in the discussion.)

In addition to the Technical Conference, attached to this Order as Exhibit 1 are **Data Requests** directed to Bell Atlantic and all central office code holders in Maine. Responses must be provided no later than **September 25, 1998**, so that our staff will have an opportunity to review them prior to the Technical

Conference. We expect all parties to cooperate fully with our efforts to address this very important aspect of area code relief and to respect all deadlines set in this case.

#### **V. TRACK II -- IMPLEMENTATION OF A NEW AREA CODE**

While we hope to delay implementation of a new area code as long as possible, the 2-year implementation process requires us to consider the methods for implementing a new code at this time. Generally, there are two methods of implementing a new area code -- an overlay or a geographic split. The Industry Plan recommends an overlay. An overlay adds a new area code to the same territory of the existing code. Here, the 207 code covers the entire state of Maine and thus a new overlay code would cover the same area. Further, an overlay requires that all new numbers be assigned to the new area code and that 10-digit dialing be used for all calls. In addition, competitive concerns arise because incumbent carriers would be able to retain their 207 numbers while new competitors would be forced to use the new numbers (and a new area code) which some argue would be a disincentive for persons to switch carriers.

A geographic split, on the other hand, requires dividing the territory of the current code into two geographic areas. One area retains the old code while one area would be assigned to the new code. All persons/businesses in the new area code would be required to change their area code, while persons in the other area would be allowed to keep their area code. Within each area code, customers would continue to be able to reach other customers using 7 digit dialing.

Clearly, both alternatives have advantages and disadvantages, depending upon individual circumstances. We recognize the seriousness of our decision and the impact it will have on consumers and businesses as well as state and local governments. Accordingly, this Order will be sent to local chambers of commerce, several state business development boards, the Maine Community Action Association, and the American Association of Retired Persons. We hope interested persons will avail themselves of the opportunity to become involved in this important docket. In addition, we will schedule several public witness hearings so that we can hear firsthand the concerns of Maine citizens regarding this decision and any preference for a method of implementation. Finally, there will be an opportunity for parties to this docket to present their views to the Commission.

## VI. PARTIES

In opening this Investigation, we will make all ILECs, CLECs, and any other public utility which has been allocated a central office code in the 207 area code a party to this proceeding. Such entities need not file a petition to intervene. While the Commission does not have specific jurisdiction over non-public utility entities such as wireless carriers and paging companies, we encourage any such entity which has been assigned a central office code in the 207 area code to participate in this proceeding (in one of the ways listed below) because such parties' rights may be affected by decisions made in this docket.

In addition, we invited interested persons to participate in this docket. As stated above, the Commission will have public witness hearings where individual citizens will be allowed to testify. Interested persons may also participate in one of two other ways:

1. **Intervenor.** A Petition to Intervene may be filed with the Commission and, if granted, allows for formal participation in the hearings and negotiations associated with this proceeding. The petition must be made in writing and must state the name and docket number of this proceeding, and the manner in which the person/entity is affected by the proceeding. The petition must also include a short and plain statement of the nature and extent of the participation sought, and a statement of the nature of the evidence or argument which the person intends to submit. **The petition must be received by the Administrative Director, Public Utilities Commission, 242 State Street, Augusta, Maine 04333, no later than September 14, 1998.** If the petition is denied, a request may be made to be placed on the Commission's mailing list for this case as described below. **On September 15, 1998, the Commission will publish a list of proposed Intervenors. All objections to Petitions to Intervene must be made in writing by September 21, 1998.**

2. **Interested Person.** A person may request that their name be added to the mailing list as an interested person which will ensure that they receive notice of the time and place of any hearings, including public witness hearings, held in this case.

Further information about participation is available from the Administrative Director at the above address or by calling (207) 287-3831.

Accordingly, we

O R D E R

1. All incumbent local exchange carriers, competitive local exchange carriers certified in Maine, and all other public utilities which have been assigned central office codes in the 207 area code be made parties to this proceeding;

2. A copy of this Order be sent to the attached service list (which includes all ILECs, CLECs, and code holders); and

3. All code holders respond to the attached Data Request no later than September 25, 1998.

Dated at Augusta, Maine this 25th day of August, 1998.

BY ORDER OF THE COMMISSION

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Dennis Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which a reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:

The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.